

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ATRIUM CORPORATE CAPITAL, LTD,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 24-00320-KD-C
)
)
SUAVE ENTERTAINMENT, LLC,)
GREATER GULF STATE FAIR,)
TARA FROST and TYRONE MILES,)
)
Defendants.)

ORDER

This declaratory judgment action is before the Court on the Motion for Voluntary Dismissal without Prejudice filed by Plaintiff Atrium Corporate Capital LTD (doc. 38). Defendants were given the opportunity to respond by June 12, 2025 (doc. 39). To date, no response has been filed.

Atrium filed a Complaint for Declaratory Judgment alleging that Defendants Suave Entertainment LLC and Greater Gulf State Fair had claimed that Atrium owed them a defense and indemnification in connection with two state court actions: Tara Frost v. Greater Gulf State Fair d/b/a The Grounds, et al., Circuit Court of Mobile County, Alabama, Case No. 02-cv-2023-900285 and Tyrone Miles v. Greater Gulf State Fair d/b/a, The Grounds et al., Circuit Court of Mobile County, Alabama, Case No. 02-cv-2024-900691 (doc. 1).

Atrium now moves pursuant to Fed. R. Civ. P. 41(a)(2) to voluntarily dismiss this action without prejudice. Atrium explains that the underlying lawsuits which necessitated this declaratory judgment action are now closed. Summary judgment has been granted in favor of Defendants in the Frost lawsuit and the Miles lawsuit has been voluntarily dismissed with prejudice upon resolution by the parties. Atrium asserts that there is no case or controversy for this Court to decide.

Rule 41(a)(2), in relevant part states that “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). Upon consideration of the motion and the absence of Defendants’ objections, the Court finds that dismissal without prejudice is proper. According, the Motion is GRANTED, and this action is dismissed without prejudice.

DONE and ORDERED this the 24th day of June 2025.

s/ Kristi K DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE